

000665

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO1. CERTIFICATE NUMBER:
(FOR AUDITOR'S USE C)

106

10/21

TO:
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):
AIRPORTS3. DATE:
August 12, 2008

4. SUBJECT:

CONFLICT OF INTEREST CODE - AIRPORTS

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)

Mike Tussey, 858-573-1441, MS 14

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

Grace Chao, 858-573-1434, MS 14

7. CHECK BOX IF REPORT TO
COUNCIL IS ATTACHED ☐

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Mike Tussey</i>	13 AUG 2008	8			
2	CFO	<i>Monty Nelson</i>	8/29/08	9			
3	DEPUTY CHIEF	<i>[Signature]</i>	8/13/08	10			
4	COO	<i>[Signature]</i>	8/16/08	11			
5	CITY ATTORNEY	<i>[Signature]</i>	10/6/08				
6	ORIGINATING DEPARTMENT						
7							

DOCKET COORD: _____ COUNCIL LIAISON: _____

COUNCIL PRESIDENT ☐ SPOB ☒ CONSENT ☐ ADOPTION

ws ☐ REFER TO: _____ COUNCIL DATE: 10/21/08

11. PREPARATION OF:

☒ RESOLUTION(S)☐ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

Adopting the revised Conflict of Interest Code for Airports Department.

11A. STAFF RECOMMENDATIONS:

Approve the revised Conflict of Interest Code and appendices as submitted.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): All

COMMUNITY AREA(S): Citywide

ENVIRONMENTAL IMPACT: N/A

HOUSING IMPACT: N/A

OTHER ISSUES: NONE

EXECUTIVE SUMMARY SHEET

DATE ISSUED:

REPORT NO:

ATTENTION:

Council President and City Council

ORIGINATING DEPARTMENT: Airports

SUBJECT:

Biennial Review: Conflict of Interest Codes

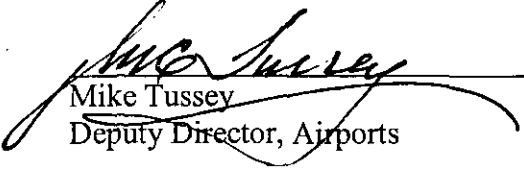
COUNCIL DISTRICT(S):

N/A

CONTACT/PHONE NUMBER: Grace Chao, 858-573-1434

REQUESTED ACTION: ResolutionSTAFF RECOMMENDATION: Pass the Resolution

EXECUTIVE SUMMARY: This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes, as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008. The Airports Code has been created to reflect the restructuring that moved Airports Division from Real Estate Assets Department (READ) into a stand-alone division within the Public Works group in Fiscal Year 2009. The Airport Operations Manager and Noise Abatement Officer positions, formerly included in the READ, Airport Division's code have been transferred to the Airports Code. Under the restructure, the following positions have been transferred from READ to Airports: Airports Development Coordinator (formerly Supervising Property Agent); Deputy Director, Airports; and Property Agent. The Senior Civil Engineer has been removed from the code because it no longer exists in Airports. The Airports Code has also been revised to reflect the addition of the Management Analyst.

FISCAL CONSIDERATIONS: 0PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/ACOMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/AKEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A
Mike Tussey

Deputy Director, Airports


David Jarrell

Deputy Chief of Public Works

000669

2008 Local Agency Biennial Notice

Name of Agency: City of San Diego, Airports Department
Mailing Address: 3750 John J. Montgomery Drive, San Diego, California 92123
Contact Person: Grace Chao
Phone Number: 858-573-1434 Fax Number: 858-279-0536
E-mail: GChao@sandiego.gov

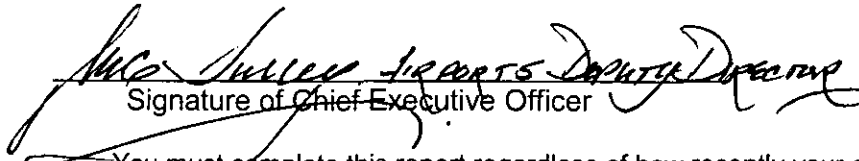
This agency has reviewed its conflict of interest code and has determined that:

☒ The code needs to be amended and the following amendments are necessary:

(Check all that apply)

- ☒ Include new positions (including consultants) which must be designated (App. A)
- ☐ Delete positions that manage public investments from the list of designated positions.
- ☒ Revise disclosure categories (App. B)
- ☒ Revise the titles of existing positions (App. A)
- ☐ Delete the titles of positions that have been abolished (App. A)
- ☒ Other (Airports is under Public Works as of September 27, 2007. Since Airports is stand alone, we need to have our own Conflicts of Interest Code)
- ☐ Summary of documented dispute and resolution

☐ No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.


Signature of Chief Executive Officer

13 August 2008
Date

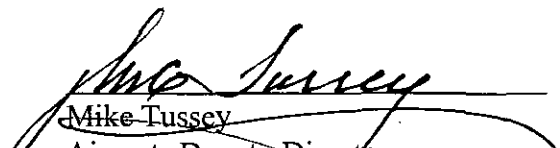
You must complete this report regardless of how recently your code was approved or amended.

Please return this report by August 22, 2008, to:

Denise Jenkins, Elections Analyst
Office of the City Clerk
202 C Street, MS 2A, San Diego, CA 92101

CERTIFICATION

The foregoing amendment to the Conflict of Interest Code was prepared by the City of San Diego's (stand-alone) Airports Division after a fair opportunity was offered to the members of the division to present their views.


Mike Tussey
Airports Deputy Director

13 August 2008
Date

**AIRPORTS
CONFLICT OF INTEREST CODE**

**APPENDIX A
DESIGNATED POSITIONS**

<u>POSITION</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Deputy Director, Airports	Administers departmental policies and programs involving negotiations for acquisition, lease, and disposal of real property interest, and appraisal and relocation assistance activities. Plans, directs development and operation of municipal airports. Approves or recommends financial decisions concerning consultant services related to divisional needs.	1,2
Airports Development Coordinator	Supervises negotiations by subordinate Property Agent(s) and negotiates with special clients in the area of acquisition, lease, disposition, of real property interest, and relocation assistance; makes and reviews appraisals in connection with real property transactions.	1,2
Airport Manager	Manages and operates a municipal airport, controls operations and maintenance of physical facilities and equipment.	2
Management Analyst	Supervises, analyzes and administers revenue plan data, cost and budgetary data, grant and loan requests, and/or agency contracts and payments. Approves and recommends financial decisions. Advises management concerning financial issues.	2
Noise Abatement Officer	Manages noise abatement program and public outreach at municipal airport. Controls operation and maintenance of physical facilities and equipment.	2
Property Agent	Negotiates for acquisition, disposal and lease of real property interest; makes and reviews appraisals in connection with real property transactions; provides relocation assistance.	1
Consultant	As stated in contract. See Appendix B	3

**AIRPORTS
CONFLICT OF INTEREST CODE**

**APPENDIX B
DISCLOSURE CATEGORIES**

CATEGORY 1

Report all real property in the City of San Diego or within a two-mile radius of its boundaries (except place of principal residence), in which employee has an equity or secured creditor's interest or in which employee has a decision making capacity with respect to the management, use or disposition of that real property.

Report all investments, business positions or sources of income or gifts from:

- Persons or entities negotiating with the City for purchase, lease, use, or sale of public or real property.
- Persons or entities which provide services, supplies, materials, or equipment used by the department.
- Persons or entities which engage in land development, construction, management, or acquisition or sale of real property.

Report all reportable investments, business positions, income and gifts from sources located in or doing business in the City of San Diego, that supply goods or services to The City of San Diego or are granted authority by the City of San Diego to use City facilities.

CATEGORY 2

- Report all real and investment property interests, business positions and all interests in income or gifts from firms contracting for airport services or supplies with the City of San Diego.

CATEGORY 3

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Department Director, Deputy Director, Airport Manager or Mayor may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION ADOPTING A REVISED CONFLICT OF
INTEREST CODE FOR THE AIRPORTS DEPARTMENT

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-303718 (approved by the City Council on May 20, 2008, and signed by the Mayor on May 27, 2008), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

WHEREAS, by Resolution No. 302213, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for the Real Estate Assets Department, which at that time included the Airports Department within its code; and

WHEREAS, the Airports Department now seeks to revise its conflict of interest code, to account for restructuring that has occurred and thus to separate the Airports Department's conflict of interest code from that of the Real Estate Assets Department, to include new positions, to revise disclosure categories, and to revise titles of existing positions; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Airports Department; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Airports Department is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Airports Department as adopted be placed on file in the Office of the City Clerk as Document No. RR-_____.

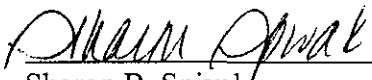
BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Airports Department shall file their statements of

economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Airports Department becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:als
10/06/08
Or.Dept: Airports
R-2009-203